UK General Data Protection Regulation Policy (Employee & Board Member)

Document Control

Responsible Person	Operations Director			
Review Frequency	5 Yearly			
Reviewed by	Board			
Date Approved	April 2023			
Next Review Due	April 2028			
Consultation Required	Yes		No	✓
Equalities Impact Assessment	Yes		No	✓
Added to Company Website	Yes	✓	No	
Associated Documents Considered	Yes	✓	No	

1. Introduction

1.1. This document sets out Waverley Housing's policy on the protection of information relating to staff members, board members, contractors, volunteers and work placements (referred to as staff members). Protecting the confidentiality and integrity of personal data is a critical responsibility that Waverley Housing takes seriously at all times. Waverley Housing will ensure that data is always processed in accordance with the provisions of relevant data protection legislation, including the UK General Data Protection Regulation (UKGDPR).

2. Key Definitions

2.1. Data Processing

Data processing is any activity that involves the use of personal data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

2.2. Personal Data

Personal data is any information identifying a data subject (a living person to whom the data relates). It includes information relating to a data subject that can be identified (directly or indirectly) from that data alone or in combination with other identifiers Waverley Housing possesses or can reasonably access. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

2.3. Sensitive Personal Data

Sensitive personal data is a special category of information which relates to a data subject's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data. It also includes personal data relating to criminal offences and convictions.

3. Privacy Notices

3.1. Waverley Housing will provide staff members with a Fair Processing Notice setting out the information Waverley Housing holds about staff members, the purpose for which this data is held and the lawful basis on which it is held. Waverley Housing may process personal information without staff members' knowledge or consent, in compliance with this policy, where this is required or permitted by law.

3.2. If the purpose for processing any piece of data about staff members should change, Waverley Housing will update Fair Processing Notices with the new purpose and the lawful basis for processing the data and will notify staff members of changes.

Our Privacy Policy and Fair Processing Notice is contained within our Disclosure Handbook.

4. Fair Processing of Data

4.1. In processing staff members' data the following principles will be adhered to. Personal data will be:

a) Used lawfully, fairly and in a transparent way;

b) Collected only for valid purposes that are clearly explained and not used in any way that is incompatible with those purposes;

c) Relevant to specific purposes and limited only to those purposes;

d) Accurate and kept up to date;

e) Kept only as long as necessary for the specified purposes; and

f) Kept securely.

5. Lawful Processing of Personal Data

5.1. Personal information will only be processed when there is a lawful basis for doing so. Most commonly, Waverley Housing will use personal information in the following circumstances:

a) when it is needed to perform staff members' contracts of employment;

b) when it is needed to comply with a legal obligation; or

c) when it is necessary for Waverley Housing's legitimate interests (or those of a third party) and staff members' interests and fundamental rights do not override those interests.

5.2. Waverley Housing may also use personal information in the following situations, which are likely to be rare:

a) when it is necessary to protect staff members' interests (or someone else's interests); or

b) when it is necessary in the public interest [or for official purposes].

6. Lawful Processing of Sensitive Personal Data

6.1. Waverley Housing may process special categories of personal information in the following circumstances:

a) In limited circumstances, with explicit written consent;

b) in order to meet legal obligations;

c) when it is needed in the public interest, such as for equal opportunities monitoring [or in relation to Waverley Housing's occupational pension scheme]; or

d) when it is needed to assess working capacity on health grounds, subject to appropriate confidentiality safeguards.

6.2. Less commonly, Waverley Housing may process this type of information where it is needed in relation to legal claims or where it is needed to protect a staff member's interests (or someone else's interests) and the staff member is not capable of giving consent, or where a staff member has already made the information public. Waverley Housing may use particularly sensitive personal information in the following ways:

a) information relating to leaves of absence, which may include sickness absence or family related leaves, may be used to comply with employment and other laws;

b) information about staff members' physical or mental health, or disability status, may be used to ensure health and safety in the workplace and to assess fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;

c) information about race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, may be used to ensure meaningful equal opportunity monitoring and reporting.

7. Lawful Processing of Information about Criminal Convictions

7.1. Waverley Housing will only collect information about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so. Where appropriate, Waverley Housing will collect information about criminal convictions as part of the recruitment process or may require staff members to disclose information about criminal convictions during the course of employment.

8. Consent to Data Processing

8.1. Waverley Housing does not require consent from staff members to process most types of staff member data. In addition, Waverley Housing will not usually need consent to use special categories of personal information in order to carry out legal obligations or exercise specific rights in the field of employment law. If a staff member fails to provide certain information when requested, Waverley Housing may not be able to perform the contract entered into with the staff member (such as paying the staff member or providing a benefit). Waverley Housing may also be prevented from complying with legal obligations (such as to ensure the health and safety of staff members).

8.2. In limited circumstances, for example, if a medical report is sought for the purposes of managing sickness absence, staff members may be asked for written consent to process sensitive data. In those circumstances, staff members will be provided with full details of the information that sought and the reason it is needed, so that staff members can carefully consider whether to consent. It is not a condition of staff members' contracts that staff members agree to any request for consent.

8.3. Where staff members have provided consent to the collection, processing and transfer of personal information for a specific purpose, they have the right to withdraw consent for that specific processing at any time. Once Waverley Housing has received notification of withdrawal of consent it will no longer process information for the purpose or purposes originally agreed to, unless it has another legitimate basis for doing so in law.

9. Automated Decision Making

9.1. Waverley Housing does not envisage that any decisions will be taken about staff members using automated means; however staff members will be notified if this position changes.

10. Collection of Data

10.1. Waverley Housing will collect personal information about staff members through the application and recruitment process.

10.2. From time to time, Waverley Housing may collect additional personal information in the course of job-related activities throughout the period of employment. If Waverley Housing

requires to obtain additional personal information, staff members will receive a fresh or updated privacy notice setting out the purpose and lawful basis for processing the data.

11. Retention of Data

11.1. Waverley Housing will only retain staff members' personal information for as long as necessary to fulfil the purposes it was collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

11.2. When determining the appropriate retention period for personal data, Waverley Housing will consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for which the personal data is processed, whether Waverley Housing can achieve those purposes through other means, and the applicable legal requirements.

11.3. In some circumstances Waverley Housing may anonymise personal information so that it can no longer be associated with individual staff members, in which case Waverley Housing may use such information without further notice to staff members. After the data retention period has expired, Waverley Housing will securely destroy staff members' personal information.

12. Data Security

12.1. Waverley Housing has put in place appropriate security measures to prevent personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. Details of these measures are available upon request. Access to personal information is limited to those staff members, agents, contractors and other third parties who have a business need to know. They will only process personal information on Waverley Housing's instructions and are subject to a duty of confidentiality. Waverley Housing expects staff members handling personal data to take steps to safeguard personal data of staff members (or any other individual) in line with this policy.

13. Data Sharing

13.1. Waverley Housing requires third parties to respect the security of staff member data and to treat it in accordance with the law. Waverley Housing may share personal information with third parties, for example in the context of the possible sale or restructuring of the business. Waverley Housing may also need to share personal information with a regulator or to otherwise comply with the law.

13.2. Waverley Housing may also share staff member data with third-party service providers where it is necessary to administer the working relationship with staff members or where Waverley Housing has a legitimate interest in doing so.

14. Transfer of Data outside the EU

14.1. Waverley Housing will not transfer personal information outside the European Economic Area.

15. Staff Member Rights and Obligations

15.1. Accuracy of Data

Waverley Housing will conduct regular reviews of the information held by it to ensure the relevancy of the information it holds. Staff members are under a duty to inform Waverley Housing of any changes to their current circumstances. Where a Staff member has concerns regarding the accuracy of personal data held by Waverley Housing, the Staff member should contact Human Resources to request an amendment to the data.

15.2. Staff Member Rights

Under certain circumstances, staff members have the right to:

a) Request access to personal information (commonly known as a "data subject access request").
b) Request erasure of personal information.
c) Object to processing of personal information where Waverley Housing is relying on a legitimate interest (or those of a third party) to lawfully process it.
d) Request the restriction of processing of personal information.
e) Request the transfer of personal information to another party.

If a staff member wishes to make a request on any of the above grounds, they should contact Human Resources in writing. Please note that, depending on the nature of the request, Waverley Housing may have good grounds for refusing to comply. If that is the case, the staff member will be given an explanation by Waverley Housing.

15.3. Data Subject Access Requests

Staff members will not normally have to pay a fee to access personal information (or to exercise any of the other rights). However, Waverley Housing may charge a reasonable fee if the request for access is clearly unfounded or excessive. Alternatively, Waverley Housing may refuse to comply with the request in such circumstances.

Waverley Housing may need to request specific information from the staff member to help confirm their identity and ensure the right to access the information (or to exercise any of the other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

16. Waverley Housing's Responsibility for Compliance

16.1. Waverley Housing has appointed the Operations Director as a Data Protection Officer (DPO) who is tasked with overseeing compliance with this policy. If staff members have any questions about this policy or how Waverley Housing handles personal information, they should contact the DPO. Staff members have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

17. Data Security Breaches

17.1. Waverley Housing has put in place procedures to deal with any data security breach and will notify staff members and any applicable regulator of a suspected breach where legally required to do so. Details of these measures are within our Privacy Policy.

In certain circumstances, Waverley Housing will be required to notify regulators of a data security breach within 72 hours of the breach. Therefore, if a staff member becomes aware of a data security breach it is imperative that they report it to the DPO immediately.

18. Privacy by Design

18.1. Waverley Housing will have regard to the principles of this policy and relevant legislation when designing or implementing new systems or processes (known as “privacy by design”).

19. Staff Members’ Responsibility for Compliance

19.1. All staff members, particularly those tasked with regularly handling personal data of colleagues or third parties, have responsibility for ensuring that processing meets the standards set out in this policy. Staff members should observe, as a minimum, the following rules:

a) Staff members must observe to the letter any instruction or guidelines issued by Waverley Housing in relation to data protection.

b) Staff members should not disclose personal data about Waverley Housing, colleague or third parties unless that disclosure is fair and lawful, in line with this policy;

c) Staff members must take confidentiality and security seriously, whether the staff member considers the information to be sensitive or not.

d) Any personal data collected or recorded manually which is to be inputted to an electronic system should be inputted accurately and without delay.

e) Staff members must not make any oral or written reference to personal data held by Waverley Housing about any individual except to staff members of Waverley Housing who need the information for their work or an authorised recipient.

f) Great care should be taken to establish the identity of any person asking for personal information and to make sure that the person is entitled to receive the information.

g) If a staff member is asked by an unauthorised individual to provide details of personal information held by Waverley Housing the staff member should ask the individual to put their request in writing and send it to the DPO. If the request is in writing the staff member should pass it immediately to their line manager OR DPO.

h) Staff members must not use personal information for any purpose other than their work for Waverley Housing.

i) If a staff member is in doubt about any matter to do with data protection they must refer the matter to their line manager OR DPO immediately.

j) Passwords should not be disclosed and should be changed regularly;

k) Staff member or third party personal data should not be left unsecured or unattended, e.g. on public transport;

l) Unauthorised use of computer equipment issued by Waverley Housing is not permitted;

m) Staff members must follow Waverley Housing’s “clear desk” policy and ensure that all confidential information, whether containing staff member or third party personal data or not, is secured when it is not in use or when the staff member is not at work;

n) Staff members may use only Company equipment to carry out work and must ensure that devices are password protected and locked when not in use;

o) As far as possible, staff member or third party personal data contained in emails and attachments should be anonymised before it is sent by email; and

p) Documents containing sensitive information should be password protected and, if the document requires to be transmitted, the document and password should be transmitted separately.

Any breach of the above rules will be taken seriously and, depending on the severity of the matter, may constitute gross misconduct which could lead to summary termination of employment.